



#~~14~~
#16

Attorney Docket No. 676-8cip

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X

In re Application of

Ghassabian

Serial No. 09/428,228

Filed: October 27, 1999

For: ANTENNA SYSTEM FOR A WRIST

Examiner: Eliseo Ramos
Group Art Unit: 2681

RECEIVED
NOV 04 2003
OFFICE OF PETITIONS

-----X

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION (37 CFR 1.137(b))**

Mail Stop Petitions

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Applicant hereby files this Petition to Revive Unintentionally Abandoned Application, pursuant to 37 CFR 1.137(b).

11/03/2003 AWONDAF1 00000008 09428228

02 FC:2453

665.00 0P

Pursuant to 37 CFR 1.137(b)(3), embodied herein is a concise statement that the entire time of abandonment of the Application was unintentional and of the pertinent facts and the necessary Exhibits to support this petition.

On September 29, 2003 a Notice of Abandonment was mailed stating that the present application went abandoned for failure to respond to a November 5, 2002 Office Action. A copy of the Notice of Abandonment is attached hereto as Exhibit 1. The Notice states that the Amendment filed on April 07, 2003 was not a sufficient response.

After receiving the Notice of Abandonment, we reviewed the file and noted that we had responded to the Office Action of November 5, 2002 with an Amendment without an RCE on April 07, 2003 because we believed the Amendment to be non-final, as noted on the cover page of the Amendment. A copy of the November 5, 2002 Amendment is enclosed herewith as Exhibit 2, and a copy of the April 07, 2003 Amendment is enclosed as Exhibit 3. However, upon further review, we note that the last page of the Office Action indicates that the Office Action was final, contrary to the cover page.

Applicant contacted the Examiner and was informed that an Advisory Action had been mailed, but we had never received it. As such, we had no notification that the April 07, 2003 Amendment had not been entered.

As such, pursuant to 37 CFR 1.137(b)(3), Applicant submits that the entire period of abandonment was unintentional and at no time did the Applicant intend for this application to lapse. Furthermore, pursuant 37 CFR 1.137(b)(1), Applicant hereby submits the required

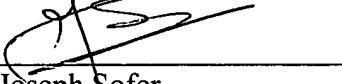
response of a Request for Continued Examination (RCE) and the appropriate fee of \$385.00 in order to have the April 07, 2003 Amendment considered on its merits.

A check for \$ 665.00 is enclosed herewith to cover the cost of this petition pursuant to 37 CFR 1.137(b)(2). Any additional fees may be charged to deposit account No. 19-2825, order number 676-8cip.

As such, Applicant respectfully submits this grantable Petition to Withdraw holding of Abandonment and requests that the Office of Petitions withdraw the abandonment of this application and allow the case to proceed to Examination on the merits based on the April 07, 2003 Amendment.

Respectfully Submitted,

SOFER & HAROUN

By: 

Joseph Sofer
Reg No. 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800

Dated: 10/29/03



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,228	10/27/1999	FIROOZ GHASSABIAN	676-8CIP	4391

7590 09/29/2003

SOFER & HAROUN, L.L.P.
317 MADISON AVENUE
SUITE 910
NEW YORK, NY 10017

POSTED

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT	PAPER NUMBER
----------	--------------

2681

15

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.
09/428,228

Applicant(s)

GHASSABIAN

Examiner

ELISEO RAMOS-FELICIANO
703 305 0078

Art Unit

2681



Notice of Abandonment

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on Nov/5/2002.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on APR/14/2003, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

Atty. Joseph Sofer (Reg. No. 34,438) has been contacted over the phone on September 24-25, 2003 to confirm abandonment. See above 1(b).


SINH TRAN
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,228	10/27/1999	FIROOZ GHASSABIAN	676-8CIP	4391

7590 11/05/2002

JOSEPH SOFER ESQ
SOFER & HAROUN LLP
342 MADISON AVENUE
SUITE 1921
NEW YORK, NY 10173



EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
NOV 04 2003

OFFICE OF PETITIONS

Office Action Summary

Application No. 09/428,228	Applicant(s) Ghassabian Firooz
Examiner Joy K. Contee	Art Unit 2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

RECEIVED

NOV 04 2003

Status

1) Responsive to communication(s) filed on Oct 27, 1999

2a) This action is FINAL. 2b) This action is non-final. **OFFICE OF PETITIONS**

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 26-43 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 26-43 is/are rejected.

7) Claim(s) 27, 28, 31, and 38 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Notice of References Cited

Application/Control No.
09/428,228

Application(s)/Patent Under Reexam
Ghassabian Firooz

Examiner
Joy K. Contee

Art Unit
2681

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Name	Classification ²	
X	A	6,078,803	6/2000	Fernandez Martinez	455	349
X	B	5,564,082	10/1996	Blonder et al.	455	90
X	C	6,035,035	3/2000	Firooz	379	433
X	D	6,208,876	3/2001	Raussi et al.	455	557
X	E	6,005,525	12/1999	Kivela	343	702
X	F	5,467,324	11/1995	Houlihan	368	10
	G	6,212,414	4/2001	Alameh et al.	455	575
	H				RECEIVED	
	I				NOV 04 2003	
	J					
	K				OFFICE OF PETITIONS	
	L					
	M					

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY ¹	Country	Name	Classification ²
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
	U
	V
	W
	X

¹A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(a).

¹Dates in MM-YYYY format are publication dates.

²Classifications may be U.S. or foreign.

Art Unit: 2681

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

RECEIVED
NOV 04 2003

OFFICE OF PETITIONS

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27,28,30,31 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 27(28) and 30(31 and 38) recite the limitation "cover" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Art Unit: 2681

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 26,29,32,40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Alameh et al. ("Alameh"), U.S. Patent No. 6,212,414.

Regarding claim 26, Alameh discloses a wrist-mounted communication device for attaching to a wearer's wrist (col. 2, lines 31-38), the device comprising an antenna system having at least a first section coupled to said device and configured to transmit and receive communication signals (col. 2, lines 35-38 and see Fig. 1), said antenna having a biasing mechanism wherein said antenna is held in horizontal plane position of said wrist mounted communication device when said device is not in use by a user (see Fig. 12), said biasing mechanism , when engaged (see Fig. 13), automatically releases said antenna to a desired position away from said horizontal plane when said wrist communication device is in use by said user (col. 7, lines 1-12).

Regarding claim 29,Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a watch unit (col. 4,lines 60-63).

Art Unit: 2681

Regarding claim 32, Alameh discloses the device according to claim 26, wherein said antenna is expandable in its open position (Fig. 13, col. 7, lines 4-6).

Regarding claim 40, Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a keypad unit (col. 2, lines 46-51).

Regarding claim 41, Alameh discloses the device according to claim 26, wherein said wrist-mounted communication device further comprises a display unit (col. 2, lines 46-51).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Blonder et al. ("Blonder"), U.S. Patent No. 5,564,082.

Regarding claim 33, Alameh discloses the device according to claim 32. Alameh does not disclose an expansion antenna configured to rotate about said first antenna.

In a similar field of endeavor Blonder discloses an expansion antenna configured to rotate about said first antenna (col. 4, lines 27-36).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Blonder to include an expansion antenna for the purpose of providing

Art Unit: 2681

polarization diversity, thus improving transmission and reception, as taught in Blonder (col. 4, lines 38-44).

Regarding claim 34, Alameh discloses the device according to claim 26. Alameh does not disclose the device wherein at least a second antenna is configured to operate independently from said first antenna.

Blonder further discloses the device wherein at least a second antenna is configured to operate independently from said first antenna (col. 4, lines 27-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing polarization diversity, thus improving transmission and reception, as taught in Blonder (col. 4, lines 38-44).

Regarding claim 35, the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein said first and second antenna operate as a diversity antenna (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 36, the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first antenna is coupled to

Art Unit: 2681

said communication device and the other end of said first antenna is rotatably coupled to one end of said second antenna (col. 4, lines 27-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

Regarding claim 37, the combination of the combination of Alameh and Blonder disclose the limitations of claim 34. Blonder further discloses the device wherein one end of said first and second antenna is rotatably coupled to said communication device such that said first and second antennas are adjustable to form an angle in relation to each other (col. 4, lines 38-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include orthogonally independent signals for the antenna for the purpose of providing a non-sensitive to orientation arrangement to ensure signal transmission.

9. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Fernandez Martinez (hereafter "Martinez"), U.S. Patent No. 6,078,803.

Regarding claim 42, Alameh discloses the device according to claims 41 or 29. Alameh fails to explicitly disclose wherein said keypad unit and said watch are in opposite relationship on a user's wrist.

In a similar field of endeavor, Martinez discloses wherein said keypad unit and said watch are in opposite relationship on a user's wrist (col. 2, lines 2, lines 51-60 and Fig. 1).

Art Unit: 2681

Regarding claim 43, Martinez further discloses the device according to claims 41 or 29, wherein said display unit and said watch unit are inherently opposite relationships on a user's wrist (col. 2, lines 2, lines 51-60 and Fig. 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to have modified Alameh to include a keypad and/or display unit in opposite relationship on a user's wrist to the watch component for the purpose of allowing the user to access or view the watch unit and keypad and/or display unit at the same time.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alameh, in view of Firooz, U.S. Patent No. 6,035,035.

Regarding claim 30, in light of the rejection under 35 USC 112, second paragraph, Alameh disclose the limitations of claim 29. Alameh fails to explicitly disclose wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user's wrist.

In a similar field of endeavor, Firooz discloses wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user's wrist (col. 3, lines 48-55 and col. 5, lines 44-57).

Art Unit: 2681

Allowable Subject Matter

11. Claims 27,28,31 and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to explicitly disclose the wrist mounted telephone device wherein said antenna is covered by a removable cover, wherein in closed position said cover holds said antenna in horizontal position and wherein when said cover is removed, said biasing mechanism releases said antenna to said desired position.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2681

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

The examiner's normal working hours are between 5:30 a.m. and 2:00 p.m., Monday through Friday. If attempts to reach the examiner prove unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (703)305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to
Crystal Park II**

Art Unit: 2681

Sixth Floor (Receptionist)
2121 Crystal Drive
Arlington, VA

Joy K. Contee
Joy K. Contee

November 1, 2002

Nay Maung
NAY MAUNG
PRIMARY EXAMINER

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

SL
HR/PS

- 1) Amendment
- 2) Amendment Transmittal
- 3) Replacement Pages
- 4) Certificate of Mailing
- 5) Return Postcard
- 6) Petition for Two Months Extension of Time
- 7) Check for \$205.00

Date Documents Mailed: April 7, 2003

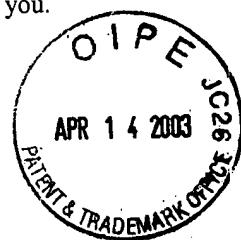
-----For Application-----

Title: ANTENNA SYSTEM FOR A WRIST PHONE

Applicant: Firooz Ghassabian Filing Date: October 27, 1999

Attorney: Joseph Sofer Serial No. 09/428,228

Docket No. 676-8cip



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X

In re Patent Application of
Ghassabian

Examiner: Contee

Appl. Serial No. 09/428,228

Group Art Unit: 2681

File Date: October 27, 1999

Title: ANTENNA SYSTEM FOR A WRIST
COMMUNICATION DEVICE

-----X

AMENDMENT

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

Applicant submits this amendment in response to the Office Action dated November 5, 2002. Replacement pages are attached hereto illustrating the unmarked claims. A Petition for a Two-Month Extension of time is enclosed herewith.

In the Claims:

Please cancel claim 27 without prejudice.

Please amend the claims as follows:

26. (Twice Amended) A wrist-mounted communication device for attaching to a wearer's wrist, the device comprising an antenna system having at least a first section coupled to said device and configured to transmit and receive communication signals, said antenna having a

removable cover and a biasing mechanism wherein said removable cover holds said antenna [is held] in horizontal plane position of said wrist-mounted communication device when said device is not in use by a user, said biasing mechanism, when said removable cover is removed [engaged], automatically releases said antenna to a desired position away from said horizontal plane when said wrist communication device is in use by said user.

28. (Amended) The device according to claim [27] 26, wherein said removable cover is a removable handset of said wrist-mounted communication device.

31. (Amended) The device according to claim [27] 26, wherein the back [cover] of said removable cover is made from the same material as the external part of said wrist-mounted communication device so that when said removable cover is positioned on said wrist communication device, the entire communication device appears in a uniformly integrated arrangement.

Remarks

Claims 26-43 are pending.

Claims 26-43 stand rejected.

Claim 27 has been cancelled.

Claims 26, 28 and 31 have been amended.

No new matter has been added.

Claims 26 and 28-43 are hereby presented for consideration by the Examiner.

In paragraph 3 of the Office Action, the Examiner has rejected claims 27, 28, 30, 31 and 38 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, for lack of antecedent basis for certain elements of the claims.

Applicant has cancelled claim 27 and has amended claims 28 and 31 to supply proper antecedent basis for the element of a removable cover. Claim 38, rejected for depending from a rejected parent claim, did not require amendment as it does not contain the element of the removable cover. As such, Applicant respectfully requests that all rejections under 35 U.S.C. § 112 be withdrawn.

In paragraph 6 of the Office Action, the Examiner has rejected claims 26, 29, 32, 40 and 41 under 35 U.S.C. § 102(e) as being unpatentable over Alameh (U.S. Patent No. 6,212,414).

In paragraph 8 of the Office Action, the Examiner has rejected claims 33-37 under 35 U.S.C. § 103 as being unpatentable over Alameh in view of Blonder (U.S. Patent No. 5,564,082).

In paragraph 9 of the Office Action, the Examiner has rejected claims 42 and 43 under 35 U.S.C. § 103 as being unpatentable over Alameh in view of Fernandez Martinez (U.S. Patent No. 6,078,803).

In paragraph 10 of the Office Action, the Examiner has rejected claim 30 under 35 U.S.C. § 103 as being unpatentable over Alameh in view of Firooz (U.S. Patent No. 6,035,035).

Applicant disagrees with the Examiner's contentions and respectfully submits the following remarks in response.

Regarding the substantive rejections of claims 26, 29, 32-37 and 39-43, Applicant respectfully disagrees with the Examiner's contentions. However, in order to expedite the prosecution of the application, Applicant has cancelled allowable claim 27 and amended the

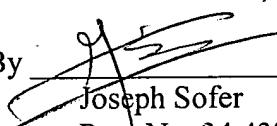
allowable subject matter of that claim into independent claim 26 and therefore respectfully requests that the rejection of claims 26, and of claims 28-43 which depend therefrom, be withdrawn.

It is noted by the Applicant that the amendments are in form only, and do not require additional searching on the part of the Examiner.

In view of the aforementioned amendment and remarks, it is respectfully submitted that all claims currently pending in the above identified application are now in condition for allowance, the earliest possible notice of which is earnestly solicited. If in the Examiner's opinion the prosecution of the present application would be advanced by a telephone interview, she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By 

Joseph Sofer
Reg. No. 34,438
317 Madison Avenue
Suite 910
New York, NY (212) 697-2800

Dated: 4/1/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X

In re Patent Application of
Ghassabian

Examiner: Contee

Appl. Serial No. 09/428,228

Group Art Unit: 2681

File Date: October 27, 1999

Title: ANTENNA SYSTEM FOR A WRIST
COMMUNICATION DEVICE

-----X

AMENDMENT
REPLACEMENT PAGES

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

Applicant submits these replacement pages to accompany the amendment filed herewith, illustrating the unmarked claims.

Replacement Pages

I claim:

26. A wrist-mounted communication device for attaching to a wearer's wrist, the device comprising an antenna system having at least a first section coupled to said device and configured to transmit and receive communication signals, said antenna having a removable cover and a biasing mechanism wherein said removable cover holds said antenna in horizontal plane position of said wrist-mounted communication device when said device is not in use by a user, said biasing mechanism, when said removable cover is removed, automatically releases said antenna to a desired position away from said horizontal plane when said wrist communication device is in use by said user.

27. The device according to claim 26, wherein said antenna is covered by a removable cover, wherein in closed position said cover holds said antenna in said horizontal plane position and wherein when said cover is removed, said biasing mechanism releases said antenna to said desired position.

28. The device according to claim 26, wherein said removable cover is a removable handset of said wrist-mounted communication device.

29. The device according to claim 26, wherein said wrist-mounted communication device further comprises a watch unit.

Replacement Pages

30. The device according to claim 29, wherein while attached to said wrist-mounted communication device, said cover and said watch unit are in opposite relationship on a user's wrist.

31. The device according to claim 26, wherein the back of said removable cover is made from the same material as the external part of said wrist-mounted communication device so that when said removable cover is positioned on said wrist communication device, the entire communication device appears in a uniformly integrated arrangement.

32. The device according to claim 26, wherein said antenna is expandable in its open position.

33. The device according to claim 32, further comprising an expansion antenna configured to rotate about said first antenna.

34. The device according to claim 26, further comprising at least a second antenna configured to operate independently from said first antenna.

35. The device according to claim 34, wherein said first and second antenna operate as a diversity antenna.

36. The device according to claim 34, wherein one end of said first antenna

Replacement Pages

is coupled to said communication device and the other end of said first antenna is rotatably coupled to one end of said second antenna.

37. The device according to claim 34, wherein one end of said first and second antenna is rotatably coupled to said communication device such that said first and second antennas are adjustable to form an angle in relation to each other.

38. The device according to claim 28, wherein said handset is a multi-sectioned handset comprising at least two sections configured to move between a closed position and an open position, wherein in closed position said multi-sectioned handset is adapted to be as small as the largest section, and wherein in open position said sections of said multi-sectioned handset expand to provide an extended handset.

39. The device according to claim 29, further comprising a multi-sectioned keypad comprising at least two sections configured to move between a closed position and an open position, wherein in closed position said multi-sectioned keypad is adapted to be as small as the largest section, and wherein in open position said sections of said multi-sectioned keypad expand to provide an extended keypad.

40. The device according to claim 26, wherein said wrist-mounted communication device further comprises a keypad unit.

Replacement Pages

41. The device according to claim 26, wherein said wrist-mounted communication device further comprises a display unit.

42. The device according to claims 40 or 29, wherein said keypad unit and said watch unit are in opposite relationship on a user's wrist.

43. The device according to claims 41 or 29, wherein said display unit and said watch unit are in opposite relationship on a user's wrist.